

EXHIBIT I

1 COOLEY LLP
2 MICHAEL G. RHODES (SBN 116127)
(rhodesmg@cooley.com)
101 California Street, 5th Floor
3 San Francisco, CA 94111-5800
Telephone: (415) 693-2000
4 Facsimile: (415) 693-2222

5 HEIDI L. KEEFE (SBN 178960)
(hkeefe@cooley.com)
6 LAM K. NGUYEN (SBN 265285)
(lnguyen@cooley.com)
7 3175 Hanover Street
Palo Alto, CA 94304-1130
8 Telephone: (650) 843-5000
Facsimile: (650) 849-7400
9

10 ADAM M. PIVOVAR (SBN 246507)
(apivovar@cooley.com)
1299 Pennsylvania Ave., NW, Ste. 700
11 Washington, DC 2004-2446
Telephone: (202) 842-7800
12 Facsimile: (202) 842-7899

13 DUSTIN M. KNIGHT (*pro hac vice*)
(dknight@cooley.com)
11951 Freedom Drive, 16th Floor
14 Reston, VA 20190
Telephone: (703) 456-8000
15 Facsimile: (703) 456-8100
16

17 *Attorneys for Defendant and
Counter-claimant Tesla, Inc.*

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION
21

22 NIKOLA CORPORATION,
23
24 Plaintiff and
Counter-defendant,
25
26 v.
27 TESLA, INC.,
28
Defendant and
Counter-claimant.

Case No. 3:18-CV-07460-JD

**DECLARATION OF ADAM PIVOVAR IN
SUPPORT OF TESLA, INC.'S RESPONSIVE
CLAIM CONSTRUCTION BRIEF**

1 I, Adam M. Pivovar, declare as follows:

2 1. I am an attorney licensed to practice before this Court and am a partner with Cooley,
3 LLP, counsel of record for Tesla, Inc. (“Tesla”). I have personal knowledge of the matters stated
4 herein and am competent to testify thereto. I submit this declaration in support of Tesla’s Responsive
5 Claim Construction Brief.

6 **IDENTIFICATION OF EXHIBITS**

7 2. Attached hereto as **Exhibit 1** is a true and exact copy of the Future Truck Committee
8 Information Report: 2001-2, entitled “Innovation in Future Truck Cab Designs: an Exploration of New
9 Possibilities,” developed by The Maintenance Council’s (TMC) Future Truck Committee Far
10 Horizons Subcommittee and issued by the American Trucking Associations on March 2001.

11 3. Attached hereto as **Exhibit 2** is a true and exact copy of excerpts from Collins English
12 Dictionary (12th e. 2014, reprinted with changes 2016).

13 4. Attached hereto as **Exhibit 3** is a true and exact copy of an excerpt from the ’084
14 patent’s file history entitled “Response with Amendment to March 21, 2018 Office Action” and filed
15 on May 21, 2018.

16 5. Attached hereto as **Exhibit 4** is a true and exact copy of U.S. Patent Appl. Pub. No.
17 2008/0191515 to Hollenbeck.

18 6. Attached hereto as **Exhibit 5** is a true and exact copy of Patent Owner’s Preliminary
19 Response (Paper 6), filed in IPR2019-01646.

20 7. Attached hereto as **Exhibit 6** is a true and exact copy of excerpts from The Chambers
21 Dictionary (13th ed. 2014).

22 8. Attached hereto as **Exhibit 7** is a true and exact copy of excerpts from Merriam-
23 Webster’s Dictionary and Thesaurus (2014).

24 9. Attached hereto as **Exhibit 8** is a true and exact copy of 49 C.F.R. § 399.207
25 promulgated by the Federal Motor Carrier Safety Administration (FMCSA).

26 10. Attached hereto as **Exhibit 9** is a true and exact copy of the RP-404 B standard
27 published by the Technology and Maintenance Council (TMC) of the American Trucking Association.

28 11. Attached hereto as **Exhibit 10** is a true and exact copy of the J185 standard published

1 by the Society of Automotive Engineers (SAE).

2 12. Attached hereto as **Exhibit 11** is a true and exact copy of U.S. Military Standard 1472.

3 13. Attached hereto as **Exhibit 12** is a true and exact copy of an excerpt from the '084
4 patent's file history entitled "Response to Final Office Action with Request for Continued
5 Examination to March 21, 2018 Final Office Action" and filed on June 21, 2018.

6 14. Attached hereto as **Exhibit 13** is a true and exact copy of the "Declaration of Mr. Victor
7 Garcia in Support of Tesla's Proposed Constructions."

8 15. I declare under penalty of perjury under the laws of the United States that the foregoing
9 is true and correct to the best of my knowledge.

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11 EXECUTED at Bethesda, Maryland on this 2nd day of July 2021.

12 Dated: July 2, 2021

COOLEY LLP

14 /s/ Adam M. Pivovar

15 Adam M. Pivovar (SBN 246507)

16 *Attorneys for Defendant and Counter-claimant*
17 *Tesla, Inc.*